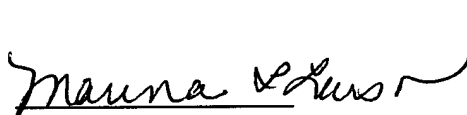


would not be considered a "whole effluent sample" even without the limitation to a liquid sample.

For the foregoing reasons, Applicant submits that this application is now in form for allowance. Revival of the unintentionally abandoned application and favorable reconsideration and allowance of all claims are respectfully urged.

Respectfully submitted,



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**RECEIVED**

**JAN 08 2003**

**OFFICE OF PETITIONS**

MARKED UP COPY OF AMENDED CLAIM

1. (twice amended) A method for evaluating a whole effluent sample for the presence of cytotoxic substances comprising the steps of:

(a) obtaining a liquid whole effluent sample for testing, said sample being suspected of containing a plurality of potentially cytotoxic substances;

(b) combining a first aliquot of the liquid whole effluent sample directly with a culture of a particle-feeding flagellate said aliquot containing all of the potentially cytotoxic substances of the original sample obtained such that a measure of the toxicity of any combination of potentially cytotoxic substances can be obtained; and

(c) monitoring the growth rate of the particle-feeding flagellate culture in the presence of the aliquot of the liquid whole effluent sample, wherein a decrease in growth rate of the culture in the presence of the liquid whole effluent sample is indicative of the presence of cytotoxic agents in the liquid whole effluent sample.